

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015080182

ORDER GRANTING MOTION FOR
STAY PUT

On August 7, 2015, Parent on behalf of Student filed a motion for stay put. District has not filed a responsive pleading to the motion.

APPLICABLE LAW

Until due process hearing procedures are complete, a special education student is entitled to remain in his or her current educational placement, unless the parties agree otherwise. (20 U.S.C. § 1415(j); 34 C.F.R. § 300.518(a) (2006); Ed. Code, § 56505 subd. (d).) This is referred to as “stay put.” For purposes of stay put, the current educational placement is typically the placement called for in the student's individualized education program, which has been implemented prior to the dispute arising. (*Thomas v. Cincinnati Bd. of Educ.* (6th Cir. 1990) 918 F.2d 618, 625.)

In California, “specific educational placement” is defined as “that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs,” as specified in the IEP. (Cal. Code Regs., tit. 5, § 3042.)

DISCUSSION

Student seeks an order requiring District to continue to implement the transportation services called for in the Student’s last consented to and implemented Individualized Education Program, which was dated June 5, 2014. The transportation section of the June 5, 2014 IEP at page 26 states: “Starting October 16, 2013, [Student] began private transportation. Family will receive full reimbursement for all transportation related to [Student’s] education. Transportation will be arranged by mom.”

In Student’s complaint, he alleges that District, at an IEP meeting on March 18, 2015, informed Student’s parent that it would no longer reimburse parent for private transportation.

Since the last consented to and implemented IEP requires District to reimburse Student's parent for the cost of private transportation related to Student's education up to the sum of \$100 per day, District is required to continue to implement the transportation provisions of the June 5, 2014 IEP. Accordingly, Student's motion for stay put is granted.

ORDER

Student's motion for stay put is GRANTED. District shall continue to reimburse Student's parent for all private transportation costs up to \$100 per day.

DATE: August 14, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings